

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

IVAN VERNORD CLEVELAND, et al.,
Plaintiffs,
v.
BEN CURRY, et al.,
Defendants.

Case No. [07-cv-02809-NJV](#)

**ORDERING REQUIRING BRIEFING
ADDRESSING WHETHER CASE NO.
12-5222 SBA SHOULD BE RELATED
TO THIS CASE**

Plaintiff Cleveland has filed a *pro se* petition for *habeas corpus*. *See Cleveland v. Grounds*, Case No. 12-5222 SBA (“5222”). In this petition, Cleveland alleges that he was sexually assaulted by a peace officer while incarcerated at CTF Central, that he was refused proper medical treatment by prison officials, and that his due process rights were violated. Some of the allegations in 5222 appear similar to those Plaintiff alleges in *Cleveland v. Curry*, Case No. 07-2809 NJV (“2809”). On June 17, 2013, the district court accordingly referred 5222 to the undersigned to determine whether it was related to 2809. *See* Doc. No. 131. Neither party in either action responded to the district court’s order.

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The Court orders the parties in 2809 to file letter briefs, not to exceed 3 pages, arguing why 5222 should or should not be related to 2809. If the parties argue the cases should related, they also should offer their preferred solution(s) for dealing with the varying procedural posture of each case.¹ The briefs shall be filed no later than 7 days from the date of this order.

IT IS SO ORDERED.

Dated: June 26, 2013



NANDOR J. VADAS
United States Magistrate Judge

United States District Court
Northern District of California

¹ The defendants in 2809 have filed a (renewed) motion for summary judgment, to be heard on August 1, 2013. Doc. No. 132. If summary judgment is denied, the case will proceed to trial on November 4, 2013. The claims in 5222 have not been screened, and no defendant has been served, much less appeared in the action.